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March 20, 2008

DEPARTMENT OF ENERGY  
OFFICE OF HEARINGS AND APPEALS

Hearing Officer's Decision

Name of Case: Personnel Security Hearing

Date of Filing: October 1, 2007

Case Number: TSO-0551

This decision concerns the eligibility of XXXXXXXXXXXX ("the Individual") for continued access authorization. This Decision will consider whether, based on the testimony and other evidence presented in this proceeding, the Individual's suspended access authorization should be restored. For the reasons detailed below, it is my decision that the Individual's access authorization should not be restored.

**I. BACKGROUND**

The Individual has been employed at a DOE facility in a position that requires him to hold an access authorization, also known as a security clearance. The Individual held an access authorization since 1983, and was part of the DOE's Human Reliability Program (HRP), 10 C.F.R. Part 712. DOE Ex. 47 at 8; DOE Ex. 13 at 4. The Individual has had several delinquent accounts, many of which he neglected to pay to the point where he had multiple unpaid collection accounts. DOE Exs. 4 – 6. In addition, the Individual had both unpaid federal and state tax liens filed against him. *Id.* The Individual failed to list required financial information, namely delinquent accounts and tax liens, on multiple security forms he completed since 1989. *See, e.g.,* DOE Exs. 7, 10, 15, 18, 23, 27, 41, 43 and 48. Since 1989, the Individual has been the subject of a personnel security interview (PSI) eight times.<sup>1</sup> The purpose of each interview was to discuss the Individual's financial status. During each PSI, the Individual made a commitment to resolve his financial problems and to be fiscally responsible. *See* DOE Exs. 4, 8, 13, 19, 34, 38, 39, and 47.

During the most recent PSI, in January 2007, the Individual again discussed his financial status and efforts he had made toward resolving his financial situation. DOE Ex. 4. He also discussed financial information he provided on a July 2006 Questionnaire for National Security Positions (QNSP). *Id.* During the PSI, the Individual maintained that he completed the July 2006 QNSP completely and honestly. *Id.* at 8. The Individual acknowledged that he had two outstanding state tax liens. He stated that one state's lien was "cleared up." *Id.* at 20. He stated that he "may

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<sup>1</sup> The PSIs took place in March 1991, January 1997, February 1997, November 1997, January 2003, October 2004, November 2005, and January 2007.

have” a lien with the second state and that he was “not quite sure” what he owed the second state in taxes. *Id.* at 21. The Individual stated that he did not intend to omit the tax lien from the second state on the 2006 QNSP; he stated that he “maybe overlooked it.” *Id.* When asked why he failed to list a judgment against him for an automobile he purchased and could not make payments on, the Individual stated that he did not recall a judgment against him pertaining to the automobile. *Id.* at 26-27. The Individual admitted that he bought the car despite having financial problems, but “thought [he] could handle the payments.” *Id.* at 19. He stated that his main priority was paying off the tax liens and that the judgment pertaining to the automobile was “on the backburner” and “could wait.” *Id.* at 30, 52.

The Individual stated during the PSI that his wife was not aware of the magnitude of their financial problems. *Id.* at 29. He stated that they had been delinquent on their mortgage payment several times and that “a combination of things” led to the delinquency. *Id.* at 32-33. The Individual was asked whether he had made any efforts to follow up on his prior commitments to DOE to resolve his finances. He stated that he “made a couple of phone calls” and that a resolution was “not going to happen overnight.” *Id.* at 21-22.

In August 2007, the Local Security Office (LSO) issued a Notification Letter to the Individual informing him that the Department of Energy (DOE) possessed information that created a substantial doubt as to the Individual’s eligibility to hold an access authorization. In the Notification Letter, the LSO cited concerns raised by the Individual’s financial situation. Specifically, the LSO stated that the information fell within the purview of two criteria set forth in the security regulations at 10 C.F.R. § 708.8, subsections (f) and (l) (“Criterion F” and “Criterion L”). Under Criterion F, the LSO stated that the Individual either omitted or misrepresented information regarding his financial status on various Questionnaires for Sensitive Positions (QSP) and QNSPs, and during his PSIs.<sup>2</sup> Under Criterion L, the LSO cited the Individual’s pattern of financial irresponsibility and his failure to follow through on commitments he made to DOE during his PSIs to resolve his financial problems and be more responsible with his finances in the future.

Upon receipt of the Notification Letter, the Individual requested a hearing in this matter. *See* Individual’s Letter, August 23, 2007. The LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). The OHA Acting Director appointed me to serve as the Hearing Officer. A hearing was held in this matter. Both the Individual and the DOE Counsel submitted documents. At the hearing, the Individual presented his own testimony as well as the testimony of his wife, his second-line supervisor, his friend, and his counselor from the local Employee Assistance Program (EAP). In addition, the Individual’s direct supervisor assisted the Individual during the hearing and also testified on his behalf. The DOE Counsel presented the testimony of the personnel security specialist assigned to the Individual’s case.

## **II. APPLICABLE STANDARD**

The regulations governing the Individual’s eligibility for an access authorization, also referred to as a security clearance, are set forth in 10 C.F.R. Part 710, “Criteria and Procedures for

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<sup>2</sup> The allegedly falsified security forms are dated September 1989, August 1995, August 1996, February 2000, November 2000, September 2002, June 2003, July 2004, August 2005, and July 2006.

Determining Eligibility for Access to Classified Matter or Special Nuclear Material.” An individual is eligible for access authorization if such authorization “would not endanger the common defense and security and would be clearly consistent with the national interest.” 10 C.F.R. § 710.7(a). “Any doubt as to an individual’s access authorization eligibility shall be resolved in favor of the national security.” *Id.* See generally *Dep’t of the Navy v. Egan*, 484 U.S. 518, 531 (1988) (the “clearly consistent with the interests of national security” test indicates that “security clearance determinations should err, if they must, on the side of denials”).

Under Part 710, the DOE may suspend an individual’s access authorization where “information is received that raises a question concerning an individual’s continued access authorization eligibility.” 10 C.F.R. § 710.10(a). Derogatory information includes, but is not limited to, the information specified in the regulations. 10 C.F.R. § 710.8. Once a security concern is raised, the individual has the burden to bring forward sufficient evidence to resolve the concern.

In considering whether an individual has resolved a security concern, the Hearing Officer considers various factors, including the nature of the conduct at issue, the frequency or recency of the conduct, the absence or presence of reformation or rehabilitation, and the impact of the foregoing on the relevant security concerns. 10 C.F.R. § 710.7(c). The decision concerning eligibility is a comprehensive, common-sense judgment based on a consideration of all relevant information, favorable and unfavorable. 10 C.F.R. § 710.7(a). In order to reach a favorable decision, the Hearing Officer must find that “the grant or restoration of access authorization to the individual would not endanger the common defense and security and would be clearly consistent with the national interest.” 10 C.F.R. § 710.27(a).

### **III.EVIDENCE PRESENTED**

The purpose of the hearing was to allow the Individual to respond to the charges set forth in the Notification Letter and to evaluate his current financial stability. To that end, the Individual submitted several documents prior to the hearing concerning his financial status. The documents can be categorized as follows: (i) information regarding the status of the Individual’s outstanding tax liens and judgments; (ii) information regarding the status of the Individual’s routine household financial obligations; and, (iii) information regarding the Individual’s future plans for managing his finances. At the hearing, the Individual and his wife testified regarding the documents and their current financial status. Other witnesses presented general information regarding the Individual’s character. The Individual’s documents and the pertinent portions of the testimony are discussed below.

#### **A. Tax Liens and Judgment Filed Against the Individual**

An October 2007 credit report lists two outstanding tax liens: one federal lien in the amount of \$5442.00 and one state lien in the amount of \$12,617.00. *Indiv. Ex. 22.* The credit report lists an outstanding judgment against the Individual in the amount of \$11,400.00 for an automobile he purchased but for which he was unable to continue making the payments. *Id.* The Individual submitted copies of various receipts showing that he was making monthly payments on the federal lien, the state lien, and the outstanding judgment. *Indiv. Exs. 6 – 12, 27.*

The Individual submitted documents showing he owed a total of \$13,305.50 in federal back taxes, interest and penalties for the years 1997, 1998, 1999 and 2004. Indiv. Ex. 2. The federal tax lien is included in that amount. Transcript (“Tr.”) at 211. The Individual also submitted a document showing that the lien for the 1997 taxes was released. Indiv. Ex. 24. Therefore, as of the hearing, the Individual owed \$11,237.64 in federal back taxes and there was an outstanding lien for the years 1998 and 1999. Tr. at 211. The Individual reached a payment agreement with the federal Internal Revenue Service (IRS) that he will pay \$122 per month. As a result, no lien will be filed against him for the 2004 back taxes. Tr. at 212. The Individual also submitted documents showing that one month prior to the hearing he filed a Claim for Refund and Request for Abatement (Form 843) with the IRS, requesting an abatement of his interest and penalties for the years 1997, 1998, 1999 and 2004. Indiv. Exs. 2 - 5. As of the date of the hearing, the Individual had not yet received a response regarding his request. Tr. at 212.

The Individual submitted documents showing that the state tax lien was withdrawn in November 2007. Indiv. Ex. 19. At the hearing, he stated that he now only owed \$778.00 in state taxes. Tr. at 216-220; *see also* Indiv. Ex. 27.

In September 2005, the Individual had a judgment filed against him for an automobile on which he had difficulty making payments. Indiv. Ex. 20. Although the October 2007 credit report lists the amount of the judgment as \$11,400, the Individual owed \$17,519 as of September 2005, due to mounting interest charges and attorneys fees. *Id.* The Individual made monthly payments of \$100 on the automobile judgment from April 2007 to November 2007; however, as of the hearing, the Individual was not sure exactly how much he owed on the judgment. Indiv. Exs. 6 - 12, 25; Tr. at 220-21. The Individual stated that his first priority had been to resolve his situation with the tax liens and back taxes owed, but he now intended to attempt to reach an agreement to reduce the amount owed on the automobile judgment, since he no longer had the vehicle. Tr. at 221-22.

## **B. The Individual’s Routine Household Financial Obligations**

The Individual and his wife testified about their current financial situation. The Individual’s wife stated that the Individual never told her about the PSIs or DOE’s concerns regarding their finances. Tr. at 71. She and the Individual only spoke about their finances generally. Tr. at 72. After the Individual’s clearance was suspended, she and the Individual discussed their finances in greater detail and “were able to get some things done because of the communication.” Tr. at 73. She stated that had she known about the financial issues earlier, she and the Individual would have been able to make progress on their financial situation. Tr. at 111. She stated that they were beginning to make progress and began communicating in order to begin “looking at the whole situation or the big picture and start being more organized, start prioritizing.” Tr. at 74, 76. The Individual’s wife stated that she started a business from home in order to help with their expenses. Tr. at 88. The Individual’s wife added that neither she nor the Individual has any credit cards. Tr. at 112.

The Individual submitted copies of his most recent household bills. All of the bills submitted by the Individual indicated a past due amount or a delinquency. As indicated below, in the weeks prior to the hearing, the Individual made several payments on the past due bills.

The monthly mortgage statement indicated an amount due of \$1471.31, which includes some unpaid late charges. The normal monthly amount due on the mortgage is \$1071.31. *Indiv. Ex. 28.* The October 2007 credit report notes numerous months in which the Individual and his wife were delinquent in the mortgage payments. *Indiv. Ex. 22.* Specifically, since August 2001, the report lists 22 instances where the mortgage payment was 30-59 days past due, 20 where it was 60-89 days past due, 3 where it was 90-119 days past due, and 2 where it was 120-149 days past due. *Id.* The Individual's wife attributed the payment delinquencies to "not having a budget to implement to see where you are and what you're doing," "job loss for [her], downsizing," and "life experiences, children in college, those type[s] of things." *Tr. at 88.* The Individual's wife stated that she and the Individual "caught up" on their mortgage payments. *Tr. at 89.* She stated that they were caught up on the principal payments, but that there were still some outstanding late fees to be paid.<sup>3</sup> *Tr. at 90.* According to the Individual's wife, she and the Individual made two payments in November 2007, one for \$2142 and another for \$1731, and made their December payment, in the amount of \$1471, on time. *Id.*

The telephone bill indicated an amount due of \$979.99, including a past due amount of \$916.91. *Indiv. Ex. 28.* The Individual's wife acknowledged that the telephone bill was extremely high and stated the bill was paid in full three days prior to the hearing. *Tr. at 101; see also Indiv. Ex. 28.* She stated that the telephone bill was one of the bills she was responsible for and it was so high because she let it accumulate over time. She stated that when she lost her job in 2004 due to downsizing, she made only minimum payments on the bill in order to prevent the service from being disconnected and the bill continued to accumulate past due charges. *Tr. at 101-02.* She stated that they were able to pay the telephone bill with money she had set aside from her business. *Tr. at 103.*

Other utility bills were in arrears. The electric bill was in the amount of \$88.85, but indicated that that payment on the account had not been received and the service was scheduled to be disconnected. *Indiv. Ex. 28.* The natural gas bill and water bill indicated past due amounts of \$77.84 and \$61.01, respectively, and noted that the services were scheduled to be disconnected if payments were not received. *Id.* The cable satellite bill was in the amount of \$183.75, including a past due amount of \$85.80. *Id.* The Individual's wife stated that their utility bills – electric, water, and natural gas – were current as of the date of the hearing. *Tr. at 104-105, 107.* She added that she and the Individual had discussed downgrading their cable satellite services, but that she was not familiar with the specifics of the account. *Tr. at 107.*

A bill for an automobile loan was in the amount of \$617.61, including a past due amount of \$294.33. *Indiv. Ex. 28.* The Individual's wife stated that, as of the hearing date, she and the Individual were current on the automobile loan. *Tr. at 103.* She and the Individual also contacted the company in order to adjust the due date on the car payment to the end of the month

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<sup>3</sup> There was some dispute at the hearing as to whether the Individual and his wife were "caught up" on their mortgage payment. The DOE Counsel submitted a November 2007 credit report, DOE Ex. 52, which the DOE Counsel stated indicated that a delinquency of three months. However, the most recent statement from the mortgage company did not indicate that the mortgage was three months past due. Considering that all parties agreed that the mortgage had been delinquent numerous times in recent years and the statements of the Individual and his wife that they had only recently been making progress on paying their mortgage on time, I find that the dispute is immaterial and has little bearing on my decision in this case.

so they could better distribute their income. Tr. at 104. The auto insurance bill indicated a balance due of \$500.84 and included a payment schedule breaking the payment up over three months. Indiv. Ex. 28. The Individual's wife stated that the auto insurance payment was current and that their next payment was due a few days after the hearing. Tr. at 106. She maintained that the payment would be made on time. *Id.*

### **C. The Individual's Future Plans for Managing His Finances**

The Individual submitted several documents to support his position that he and his wife would better manage their finances in the future. The Individual met with a consumer credit counselor and discussed his finances and weekly budget. Indiv. Ex. 26. The Individual then created a weekly budget which he and his wife intend to follow in the future. Indiv. Ex. 1; Tr. at 108-109. The Individual's wife stated that now that she and the Individual have a household budget, "we're aware of all the bills and they're getting paid, and they will be getting paid on time without any late payments with [the budget]. And it's on a weekly basis so it's right there in out faces and we're working it consistently." Tr. at 110.

The Individual stated that he and his wife were communicating better and working on their finances together. Tr. at 180. He stated that, in the past, he did not want to burden her with their financial problems. *Id.* He stated that now he is "committed" to resolving his financial problems. Tr. at 182. He also added that they were in a better position to stay current on their bills because they now had a budget in place. Tr. at 201.

When asked why he did not take the same steps – paying off delinquent bills, developing a household budget, communicating with his wife – after any of the prior PSIs, as far back as 1991, the Individual stated that he was "trying to do it on [his] own" and "life circumstances happen." Tr. at 205. He stated that he did not intentionally withhold information from the DOE or ignore his commitments, but was "hitting and missing" in completing his QNSPs and "wasn't trying to falsify anything." Tr. at 180, 205.

### **D. Other Hearing Testimony**

#### **1. The Individual's EAP Counselor**

The Individual's EAP counselor stated that she met with the Individual three times from September 2007 to December 2007. Tr. at 13. She stated that they discussed his finances and the "best way to get on track." Tr. at 14. The EAP counselor referred the Individual to consumer credit counseling. Tr. at 15. She stated that she also discussed with the Individual the importance of filling out security forms "thoroughly." Tr. at 17. She stated that the Individual understood the seriousness of his financial state when he met with her. She stated, "he likes his job, and needs his job, and he respects the process. So I think he very much grasped the seriousness of it." Tr. at 18-19.

2. The Individual's Second-Line Supervisor

The Individual's second-line supervisor also testified. He stated that he and the Individual do not socialize outside of work, but he considers the Individual a friend. Tr. at 29. The Individual has worked under his supervision for approximately 15 years. Tr. at 30. The second-line supervisor described the Individual as "real religious" and stated that "he gives everybody the benefit of the doubt. You can sit down and talk to him. He's a good worker. He doesn't buck the system. Whatever you tell him to do, he does it. He [doesn't] question authority." Tr. at 32. He added that the Individual was "reliable" and "trustworthy." *Id.* Finally, the second-line supervisor stated that he was surprised to learn of the Individual's financial problems because "he's the last person you would think it would happen to." Tr. at 34.

3. The Individual's Friend

The Individual's friend stated that she has known the Individual for about 15 years. Tr. at 43. They met through their church. *Id.* She stated that the Individual has had access to church funds and has never had any financial problems involving the church. Tr. at 47. She stated that she had talked briefly with the Individual about creating a budget and offered him her assistance in developing a budget for his household. Tr. at 50. However, they had spoken about it only generally and not in great detail. *Id.*

4. The Individual's Direct Supervisor

The Individual's supervisor assisted the Individual during the hearing and also testified on his behalf. He stated, "when we realized that there was going to be a hearing, [the Individual] called me into his confidence and described in detail to me the problems that he had. He revealed the entire financial situation and told me that he needed help..." Tr. at 118. The supervisor stated that he has known the Individual for nearly 21 years and considers him a friend. Tr. at 119, 120. The supervisor stated that the Individual is a good worker and "does what he is asked to do." Tr. at 120. The supervisor stated that when he learned of the magnitude of the Individual's financial problems, he referred the Individual to EAP and recommended that he follow through with the consumer credit counseling service. Tr. at 124. The supervisor also helped the Individual develop his weekly budget. Tr. at 125.

The supervisor believed that the Individual had made some progress. He stated,

I think a number of positive things have happened. I think he and his wife are working together more closely now to meet their obligations and I think they understand the importance of the fact that their budget is not two separate incomes but it's all one and they have the obligations to meet. And I think they have taken steps to do the right thing. The problem is that the situation has been so long standing that it's not something that you get out of overnight.

Tr. at 129-130. The supervisor believed the Individual and his wife would be able to pay their bills with their current budget, but "it will take a commitment on the part of both he and his wife to make the budget because it's tight." Tr. at 132. The supervisor believed the Individual and

his wife were committed to sticking to the budget. Tr. at 133. The supervisor believed, however, that the Individual needed some oversight, at least in the early stages, in maintaining his finances. Tr. at 130. He stated, "I think somebody needs to have their hands in it for some number of months, maybe even a year or so, to make sure that this situation gets corrected. Tr. at 131. He stated that, as of the hearing, he did not believe the Individual could maintain his finances without some assistance. Tr. at 136.

#### 5. The Personnel Security Specialist

The personnel security specialist interviewed the Individual for his January 2007 PSI. Tr. at 162. She stated that, prior to the PSI, she reviewed the Individual's entire file. Tr. at 153-54. The personnel security specialist stated that the Individual committed during the PSI that he would begin working to resolve his financial problems. Tr. at 165. She stated that the first time he took any action beyond making phone calls was two months later, in March 2007, when he paid a bill that was in collection. Tr. at 165. The personnel security specialist noted that the Individual's HRP certification was revoked in March 2007, days before he paid that first bill. Tr. at 167.

The personnel security specialist noted that the Individual had made an effort to pay his household bills. Tr. at 171. She stated, "it appears that he has a plan [to resolve his financial problems], but maybe not a very realistic plan that he will be able to maintain, and it appears that it wasn't until the threat of some adverse action taken against his clearance that he took any positive steps." Tr. at 172.

The personnel security specialist stated that she believed, during the PSI, that the Individual intentionally omitted information from his security questionnaires. She stated, "I found it hard to believe that you can have eight interviews dealing specifically with finances and be talked to about the importance of that form ... it just seemed implausible ... that those items he knew about and was talked to about in the [PSIs] would not then be on the form." Tr. at 175.

### IV. ANALYSIS

#### A. The Security Concerns

Criterion F concerns involve the future honesty and candor of an individual. The DOE security program is based on trust, and when a security clearance holder breaches that trust, it is difficult to determine to what extent that individual can be trusted again in the future. *See, e.g., Personnel Security Hearing, Case No. VSO-0013*, 25 DOE ¶ 82,752 at 85,515 (1995); *Personnel Security Hearing, Case No. VSO-0281*, 27 DOE ¶ 82,821 at 85,915 (1999), *aff'd*, 27 DOE ¶ 83,030 (2000). Criterion L concerns conduct tending to show that the Individual was "not honest, reliable, or trustworthy, or which furnishes reason to believe that the individual may be subject to pressure, coercion, exploitation, or duress which may cause the individual to act contrary to the best interests of the national security." 10 C.F.R. § 710.8(l). Such conduct includes "a pattern of financial irresponsibility." *Id.*; *see also*, Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information issued on December 29, 2005 by the Assistant to the President for National Security Affairs, The White House ("the Adjudicative Guidelines"), Guideline F. According to the Adjudicative Guidelines, there are several conditions related to an



individual's financial status that could raise a security concern. These include an "inability or unwillingness to satisfy debts" and "consistent spending beyond one's means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis." Guideline F, ¶¶ (a), (e).

Given the discrepancies regarding the Individual's financial status on several security forms and during the PSIs, the Individual's repeated failure to follow through on the commitments he made to DOE regarding his intention to resolve his financial problems, and the Individual's financial status itself, I find that the LSO had ample grounds for invoking Criteria F and L in the August 2007 Notification Letter. The only issue to be resolved is whether the Individual has mitigated the security concerns.

In order to adequately mitigate Criterion F concerns, an individual has the burden of convincing the Hearing Officer that he can be trusted to be honest and forthright with DOE in the future. In addition, in a case such as this, an individual must demonstrate a significant pattern of responsible behavior in order to resolve the Criterion F and L concerns. *See, e.g. Personnel Security Hearing, Case No. TSO-0411*, 29 DOE ¶ 83,050 (2007); the Adjudicative Guidelines, Guideline E, ¶ (c), Guideline F, ¶¶ (a), (c), (d).

#### **B. Whether the Security Concerns Have Been Mitigated**

It is clear from the testimony and documents submitted into the record in this case that the Individual attempted to pay down some of his debt and overdue bills. He fully paid off his overdue telephone and utility bills and has been making regular mortgage payments. He also contacted the lender for his automobile loan to change the due date of the payment in order to better distribute his monthly funds. In addition, he has taken steps to address the outstanding tax liens and is making payments on the judgment filed against him.

While the above actions are commendable, I am unable to find that the Individual has resolved the security concerns cited in the Notification Letter. As an initial matter, I am not persuaded by the Individual's response to the Criterion F concern involving his intentional falsification or omission of information on his security questionnaires and during his PSIs. The Individual had eight PSIs, beginning in 1991. At each of those PSIs, the Individual was asked about his finances and was presented with a copy of his credit report. Furthermore, at each of those interviews, the omitted or discrepant information was pointed out to him. Despite this, the Individual took no steps to ensure his security questionnaires were complete and accurate. In fact, every security form he submitted had incomplete or incorrect information. The Individual's assertion that he did not intentionally withhold information, but rather was "hitting and missing" in completing the forms does not mitigate the concern. The Individual's position either demonstrates a willful disregard of DOE's concerns or a lax attitude toward DOE's reporting requirements. Either approach is unacceptable in DOE security clearance holders. I therefore find that the Criterion F concern has not been resolved.

Regarding the Criterion L concern, despite the positive steps the Individual made in the weeks prior to the hearing, there is overwhelming evidence in the record which indicates that the Individual's financial position is not yet stable. The Individual only recently made an effort to

develop a budget, pay his household bills on time, and resolve the outstanding issues with his taxes. Prior to that effort, the Individual had failed to pay his mortgage on time most months since 2001, had been delinquent on most of his household bills, and made no effort to pay off his tax liens and back taxes or work out any arrangement to do so with the federal or state internal revenue services. It is also troubling that the Individual failed to take any steps, beyond making phone calls, to resolve any of his financial problems over the past 16 years, despite being informed repeatedly by DOE that his pattern of financial irresponsibility was of concern. The fact that he took no action until just before the hearing indicates that the Individual did not take the concern seriously until directly confronted with the consequences of his financial irresponsibility. It also leads me to believe that the Individual took those steps in contemplation of the instant proceeding, rather than due to any desire to resolve his financial problems. This suggests a continuation of the Individual's past practice of hoping to avoid DOE's concerns regarding his finances by making some nominal efforts to address his financial situation. Finally, the Individual's supervisor believed the Individual would not be able to maintain his own finances at this point without some oversight or assistance. This further supports my overall view regarding the current instability of the Individual's financial situation.

The Individual has had a significant pattern of financial irresponsibility since 1991 that continues into the present. Although he has taken some recent steps to address his financial problems, he has not established that he will continue to pay his bills on time and sustain a pattern of financial responsibility. Accordingly, I cannot find that the Individual has mitigated the Criterion L concern.

## **V.CONCLUSION**

Upon consideration of the record in this case, I find that there was ample evidence that raised a doubt regarding the Individual's eligibility for a security clearance under Criteria F and L. I also find insufficient evidence in the record to resolve those concerns. Therefore, I cannot conclude that restoring the Individual's access authorization "would not endanger the common defense and security and would be clearly consistent with the national interest." 10 C.F.R. § 710.7(a). Accordingly, I conclude that the Individual's access authorization should not be restored at this time.

Diane DeMoura  
Hearing Officer  
Office of Hearings and Appeals

Date: March 20, 2008